

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANGELO McCLEARY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-08-625-M
)	
JESSE T. SUTTER, JR.,)	
)	
Respondent.)	


ORDER

On July 23, 2008, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that this action be summarily dismissed in light of petitioner's failure to exhaust state court remedies for at least one of the claims. Petitioner was advised of his right to object to the Report and Recommendation by August 12, 2008. On August 7, 2008, petitioner filed his objection.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on July 23, 2008, and
- (2) DISMISSES this action for failure to exhaust state court remedies.

IT IS SO ORDERED this 20th day of August, 2008.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE